

WETLAND DELINEATION REPORT HARTLAND SOUTH LOUDOUN COUNTY, VIRGINIA

TNT PROJECT NO.: 1460-F

FOR

TIMBER RIDGE AT HARTLAND, LLC

APRIL 19, 2019



April 19, 2019

Mr. Matthew D. Kroll, P.E. Timber Ridge at Hartland, LLC 44095 Pipeline Plaza Suite 140 Ashburn, VA 20147

TNT Project Number: 1460-F

Reference: Wetland Delineation Report, Hartland South, Loudoun County, Virginia

Latitude: 38° 57' 43" N, Longitude: -77° 34' 47" W

Dear Mr. Kroll:

TNT Environmental, Inc. (TNT) is pleased to present this wetland delineation report for the above-referenced project in general accordance with TNT Proposal Number 2064 dated January 9, 2019. The wetlands and Waters of the U.S. identified during this investigation for the above-referenced project site were delineated by TNT based on the *Corps of Engineers' Wetlands Delineation Manual* (1987) and the *Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains & Piedmont Region* and represent those areas that are most likely considered jurisdictional by the U.S. Army Corps of Engineers (USACE). The delineation entails the gathering of appropriate field data according to the applicable USACE Manuals, field flagging and mapping of approximate wetland and stream boundaries located onsite, preparation of this final report, and a request to the USACE for boundary confirmation and jurisdictional determination of U. S. Waters, including wetlands, identified onsite. Based on the field investigation conducted in January and February 2019, there are potentially jurisdictional Waters of the U.S., including wetlands, located within the study area.

PROJECT SITE DESCRIPTION

The project site is approximately 330 acres situated east of Fleetwood Road and west of Lenah Farm Lane in Loudoun County, Virginia (*Appendix I: Figure 1- Project Location Map*). The project site is further identified by portions of Loudoun County GPIN #'s: 244-368-224, 245-26-5476, 285-30-4849, 284-28-7621, 285-48-7020, 285-39-5280, and 284-10-3552. The terrain of the project site consists of gently to moderately sloping topography and is within the Lenah Run and Broad Run drainage basin (*Appendix I: Figure 2- USGS Topographic Map*). The study area is bound by Lenah Run to the south and Fleetwood Road to the east. Lenah Farm Lane bisects the central portion of the study area and Broad Run and an unnamed tributary to Broad Run border the study area to the north. The site primarily consists of hardwood and softwood forest, pasture land and agricultural fields. Several existing utility easements span the study area and Lenah Farm Lane runs through the center of the site and leads to several farm-use and residential structures.

Timber Ridge at Hartland, LLC TNT Project #: 1460-F April 19, 2019 Page 2

SECONDARY INFORMATION REVIEW

Secondary information entails the background research and review of recorded data and/or mapping associated with the project site. Resources reviewed include but are not limited to the following:

- U. S. Geological Survey (USGS) Topographic Map, Arcola Quadrangle, 2017
- U. S. Fish and Wildlife Service (USFWS), National Wetlands Inventory (NWI) Online Mapper, https://www.fws.gov/wetlands/data/mapper.html
- Natural Resources Conservation Service (NRCS), Electronic Field Office Technical Guide, Loudoun County Soils, https://websoilsurvey.sc.egov.usda.gov/App/WebSoilSurvey.aspx
- Available aerial photography and GIS data

The USGS Arcola quadrangle map shows elevations of approximately 370 feet above mean sea level (MSL) in the eastern portion of the study area and approximately 320 to 300 feet above MSL in the remaining upland portions. The elevations at the stream systems throughout the study area range from 300 to 310 feet above MSL. As shown on the USGS Map, the project site drains to Broad Run and Lenah Run, located within the Middle Potomac-Catoctin watershed and identified as Hydrologic Unit Code (HUC) 02070008. The NWI map depicts freshwater pond, riverine, freshwater emergent, and freshwater forested/shrub wetland features within the project site boundaries.

The soil survey indicates that the site is underlain primarily by 5A – Rowland silt loam, 6A – Bowmansville silt loam, 14B – Manassas silt loam, 17B – Middleburg silt loam, 60C – Sycoline-Catlett complex, 62B – Sycoline-Kelly complex, 68B – Jackland and Haymarket soils, 69A – Elbert silty clay loam, 73B/73C – Penn silt loam, 74B – Ashburn silt loam, 76B/76C – Sudley-Oatlands complex, 77C3 – Nestoria channery silt loam, 77D3 – Nestoria channery silt loam, 78A – Dulles silt loam, and 79A – Albano silt loam. 5A – Rowland silt loam, 6A – Bowmansville silt loam, 17B – Middleburg silt loam, 60C – Sycoline-Catlett complex, 62B – Sycoline-Kelly complex, 68B – Jackland and Haymarket soils, 69A – Elbert silty clay loam, 73B – Penn silt loam, 74B – Ashburn silt loam, 77C3 – Nestoria channery silt loam, 77D3 – Nestoria channery silt loam, 78A – Dulles silt loam, and 79A – Albano silt loam is classified by the NRCS as hydric.

FIELD INVESTIGATION & METHODOLOGY

The delineation was conducted during January and February 2019 using the *Corps of Engineers'* Wetlands Delineation Manual (1987) and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains & Piedmont Region. The USACE Manual and associated Regional Supplement follow three parameters for the identification of wetlands: dominance of hydrophytic vegetation, presence of hydric soils, and hydrologic indicators. All three parameters must be present under normal conditions for an area to be considered a jurisdictional wetland in accordance with Section 404 of the Clean Water Act. Wetlands are then further classified according to the Cowardin System as described in Classification of Wetlands and Deepwater Habitats of the United States (1979).

Timber Ridge at Hartland, LLC TNT Project #: 1460-F

April 19, 2019

Page 3

The fieldwork was conducted to evaluate and characterize the soils, vegetation and hydrology, and establish the boundaries of wetlands or Waters of the U.S. located within the area of investigation. Wetland flags were placed in the field and sequentially numbered to provide an onsite record of the location of wetlands and other Waters subject to the jurisdiction of state and federal agencies. The data sheets used in this investigation are enclosed (see *Appendix III*), along with a photographic log documenting site conditions (*Appendix IV*), and the delineation map showing data point locations and approximate WOTUS boundaries (*Appendix V*).

FINDINGS

Based on our field reconnaissance, TNT has identified and located several wetlands and Waters of the U.S. onsite, including portions of Lenah Run and Broad Run. Broad Run forms the northern boundary and Lenah Run is located in the southern portion. In addition, several intermittent and ephemeral streams were observed throughout the site. Wetlands identified on the project site are classified as palustrine emergent (PEM) and palustrine forested (PFO) wetlands. The main source of hydrology for these wetlands include surface runoff, precipitation, and groundwater. The wetlands are underlain by 5A – Rowland silt loam, 6A – Bowmansville silt loam, 17B – Middleburg silt loam, 60C – Sycoline-Catlett complex, 62B – Sycoline-Kelly complex, 68B – Jackland and Haymarket soils, 69A – Elbert silty clay loam, 73B – Penn silt loam, 74B – Ashburn silt loam, 77C3 – Nestoria channery silt loam, 77D3 – Nestoria channery silt loam, 78A – Dulles silt loam, and 79A – Albano silt loam soils.

A summary of the attached data sheets characterizing the wetlands is included below in Table 1. Dominant wetland vegetation is listed below in Table 2. The dominant upland vegetation, which consists largely of hardwood and softwood forest and agricultural fields is listed below in Table 3. The remaining site consists of pasture land and agricultural fields. Several existing utility easements span the study area and Lenah Farm Lane runs through the center of the site and leads to several farm-use and residential structures.

Table 1 - Data Points Summary

Data Point	Hydrology	Hydrophytic Vegetation	Hydric Soils	Classification
DP-1	No	Yes	No	Non-Wetland
DP-2	No	No	No	Non-Wetland
DP-3	Yes	Yes	No	Non-Wetland
DP-4	Yes	Yes	Yes	PEM Wetland
DP-5	No	No	No	Non-Wetland
DP-6	Yes	Yes	Yes	PEM Wetland
DP-7	Yes	Yes	Yes	PEM Wetland
DP-8	No	No	No	Non-Wetland
DP-9	Yes	Yes	Yes	PFO Wetland
DP-10	No	Yes	No	Non-Wetland
DP-11	No	No	No	Non-Wetland

Timber Ridge at Hartland, LLC

TNT Project #: 1460-F

April 19, 2019

Page 4

DP-12	Yes	Yes	Yes	PEM Wetland
DP-13	Yes	Yes	No	Non-Wetland
DP-14	No	No	No	Non-Wetland
DP-15	Yes	No	No	Non-Wetland
DP-16	Yes	Yes	No	Non-Wetland
DP-17	Yes	Yes	Yes	PFO Wetland
DP-18	Yes	Yes	No	Non-Wetland
DP-19	Yes	No	No	Non-Wetland
DP-20	Yes	No	No	Non-Wetland
DP-21	Yes	No	No	Non-Wetland
DP-22	Yes	Yes	Yes	PFO Wetland
DP-23	Yes	Yes	Yes	PFO Wetland
DP-24	Yes	Yes	No	Non-Wetland
DP-25	No	Yes	No	Non-Wetland
DP-26	Yes	Yes	Yes	PFO Wetland
DP-27	Yes	Yes	Yes	PEM Wetland
DP-28	No	No	No	Non-Wetland
DP-29	Yes	Yes	No	Non-Wetland
DP-30	Yes	Yes	No	Non-Wetland
DP-31	Yes	Yes	Yes	PFO Wetland

^{*}Refer to the enclosed data sheets for more information.

Table 2 – Dominant Riparian Buffer and Wetland Vegetation

Common Name	Scientific Name	Wetland Indicator*
Pin Oak	Quercus palustris	FACW
Green Ash	Fraxinus pennsylvanica	FACW
Spicebush	Lindera benzoin	FACW
Japanese Stilt Grass	Microstegium vimineum	FAC
Frank's Sedge	Carex frankii	OBL
Panic Grass	Panicum dichotomiflorum	FACW
Dark Green Bulrush	Scirpus atrovirens	OBL
Skunk Cabbage	Symplocarpus foetidus	OBL
Virginia Wild Rye	Elymus virginicus	FACW
Seedbox	Ludwigia alternifolia	FACW
Red Maple	Acer rubrum	FAC
Boxelder	Acer negundo	FAC
American Sycamore	Platanus occidentalis	FACW
Carpetgrass	Arthraxon hispidus	FAC
Swamp Milkweed	Asclepias canadense	OBL
American Elm	Ulmus americana	FAC
Swamp Rose	Rosa palustris	OBL

Timber Ridge at Hartland, LLC

TNT Project #: 1460-F

April 19, 2019

Page 5

Soft Rush	Juncus effusus	FACW
Common Greenbrier	Smilax rotundifolia	FAC
Poverty Rush	Juncus tenuis	FAC

^{*} The indicator status of a species indicates the probability that the species will occur in a wetland, as follows: Obligate Upland (UPL, <1%), Facultative Upland (FACU, 1-33%), Facultative (FAC, 34-66%), Facultative Wetland (FACW, 67-99%), and Obligate Wetland (OBL, >99%) in accordance with the National List of Plant Species that Occur in Wetlands: National Summary (2012). NI means no wetland indicator is available.

Table 3 – Dominant Upland Vegetation

Common Name	Scientific Name	Wetland Indicator
Red Maple	Acer rubrum	FAC
Boxelder	Acer negundo	FAC
Tree of Heaven	Ailanthus altissima	FACU
Panic Grass	Panicum dichotomiflorum	FACW
Grasses	Poa, spp.	UPL
Garlic Mustard	Alliaria petiolata	FACU
Blackgum	Nyssa sylvatica	FAC
Meadow Garlic	Allium canadense	FACU
Tatarian Honeysuckle	Lonicera tatarica	FACU
Japanese Stilt Grass	Microstegium vimineum	FAC
Multiflora Rosa	Rosa multiflora	FACU
Japanese Honeysuckle	Lonicera japonica	FACU
Soybean	Glycine max	UPL
Mockernut Hickory	Carya tomentosa	UPL
White Oak	Quercus alba	FACU
Spicebush	Lindera benzoin	FAC
Carpet Grass	Arthraxon hispidus	FAC
Grapevine	Vitis rotundifolia	FAC
Beefsteak	Perilla frutescens	FACU
Black Walnut	Juglans nigra	FACU
Common Greenbrier	Smilax rotundifolia	FAC
White Clover	Trifolium repens	FACU
Yellow Foxtail	Setaria pumila	FAC
Orchard Grass	Dactylis glomerata	FACU
Carolina Horse Nettle	Solanum carolinense	FACU
Persimmon	Diospyros virginiana	FAC
Hackberry	Celtis occidentalis	FACU
Pokeweed	Phytolacca americana	FACU
Redbud	Cercis canadensis	FACU

Timber Ridge at Hartland, LLC TNT Project #: 1460-F April 19, 2019 Page 6

REGULATORY DISCUSSION

The USACE - Norfolk District and the Virginia Department of Environmental Quality (DEQ) have implemented the State Programmatic General Permit (SPGP) program to streamline the permit process and avoid duplication of agency review. For those projects impacting less than 0.1-acres of non-tidal wetlands and less than 300 linear feet of stream bed a Nationwide permit from the USACE can be obtained for most projects. For those projects impacting greater than 0.1-acres of wetlands and 300-1,500 linear feet of stream bed, a General Permit can be obtained from DEQ. All SPGP permit applications are reviewed by the USACE but the permit authorization comes solely from DEQ. Notification of potential impacts should be filed with DEQ by completing the Joint Permit Application (JPA) form which is submitted to the Virginia Marine Resources Agency (VMRC) and DEQ. Upon receipt the VMRC distributes the JPA to the other resource agencies (USACE, VDEQ, etc.) for review and comment. Compensatory mitigation for unavoidable impacts to non-tidal Waters and wetlands will generally be provided at a ratio of 2:1 for forested wetlands, 1.5:1 for scrub/shrub wetlands, 1:1 for emergent wetlands, and a site-specific ratio based on the Unified Stream Methodology assessment for streams. Mitigation can include: the purchase or use of mitigation bank credits; wetland preservation; preservation of upland buffers; and in-lieu-fee contribution to the Virginia Aquatic Resources Trust Fund.

PROCEEDINGS

With your authorization, we will contact the USACE to schedule a field meeting to conduct a wetlands and Waters boundary confirmation and jurisdictional determination. This process takes an average of three to four weeks depending on the availability of USACE personnel. Once we have determined potential impacts we can assist you with permitting options and support to complete the process. In the interim, we recommend further review of state and federal agency records pertaining to Section 7 (Federal Endangered Species Act) and Section 106 (National Historic Preservation Act). These reviews will generally be required to verify compliance for either the Nationwide Permit (NWP) or General Permit conditions.

Timber Ridge at Hartland, LLC

TNT Project #: 1460-F

April 19, 2019

Page 7

TNT would like to thank you for the opportunity to provide you with this wetland delineation. We look forward to assisting you further with this project and other environmental concerns you may have. If you have any questions, please feel free to contact us at any time at (703) 466-5123.

Sincerely,

TNT ENVIRONMENTAL, INC.

Sophie Swartzendruber, ISA-CA, WPIT

Environmental Project Manager

Sophie@TNTenvironmentalinc.com

Tara N. Wilkins

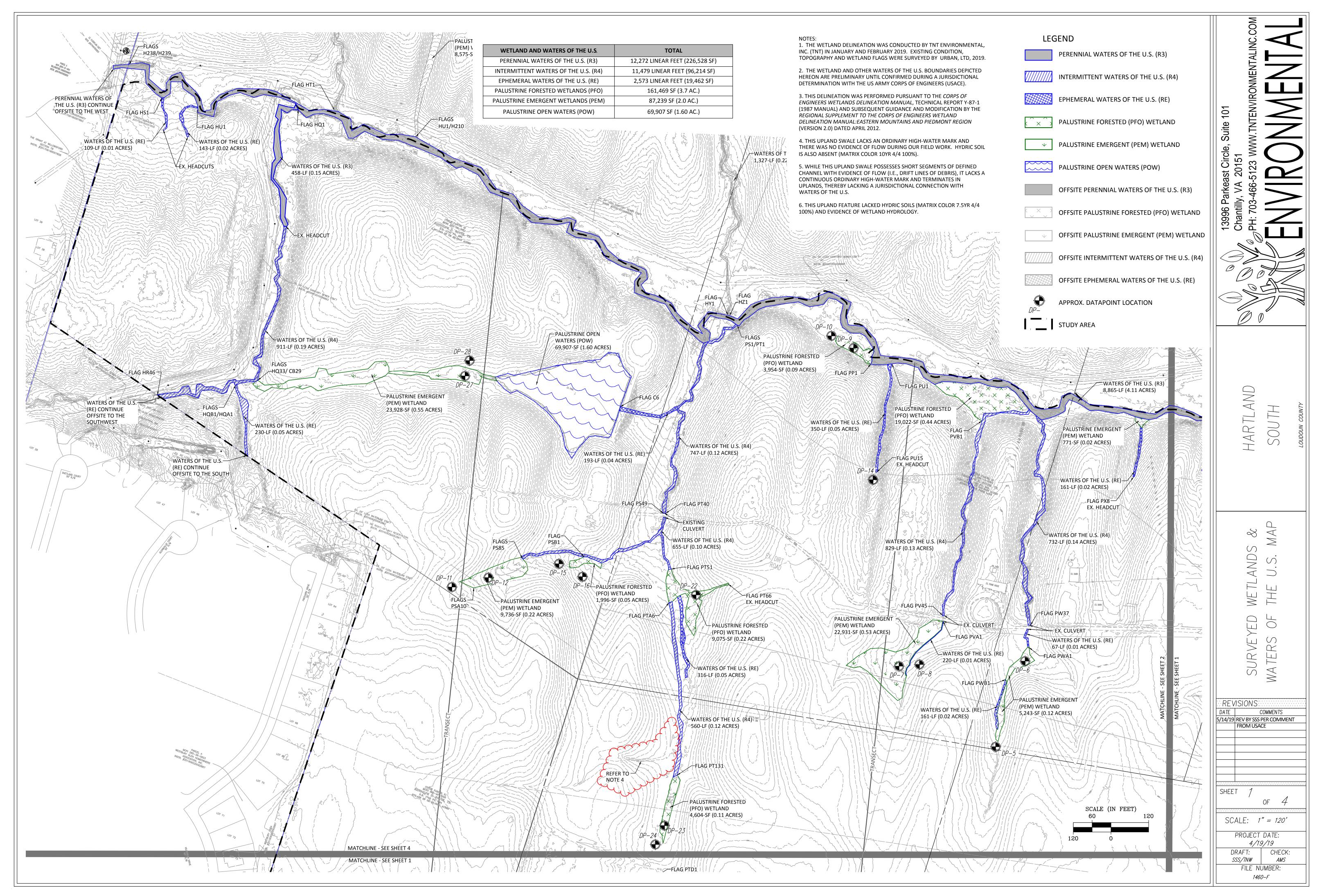
Environmental Scientist

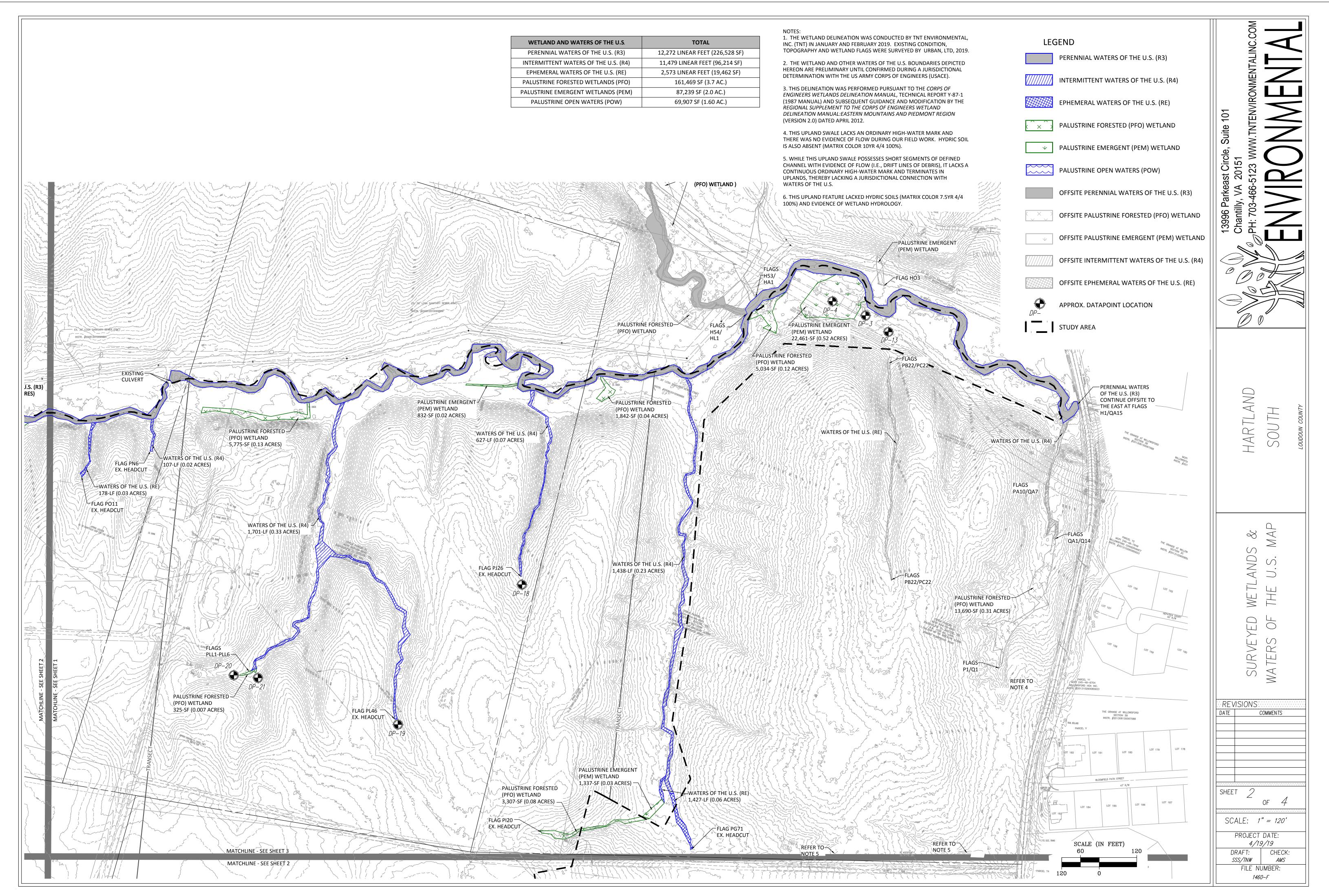
Tara@TNTenvironmentalinc.com

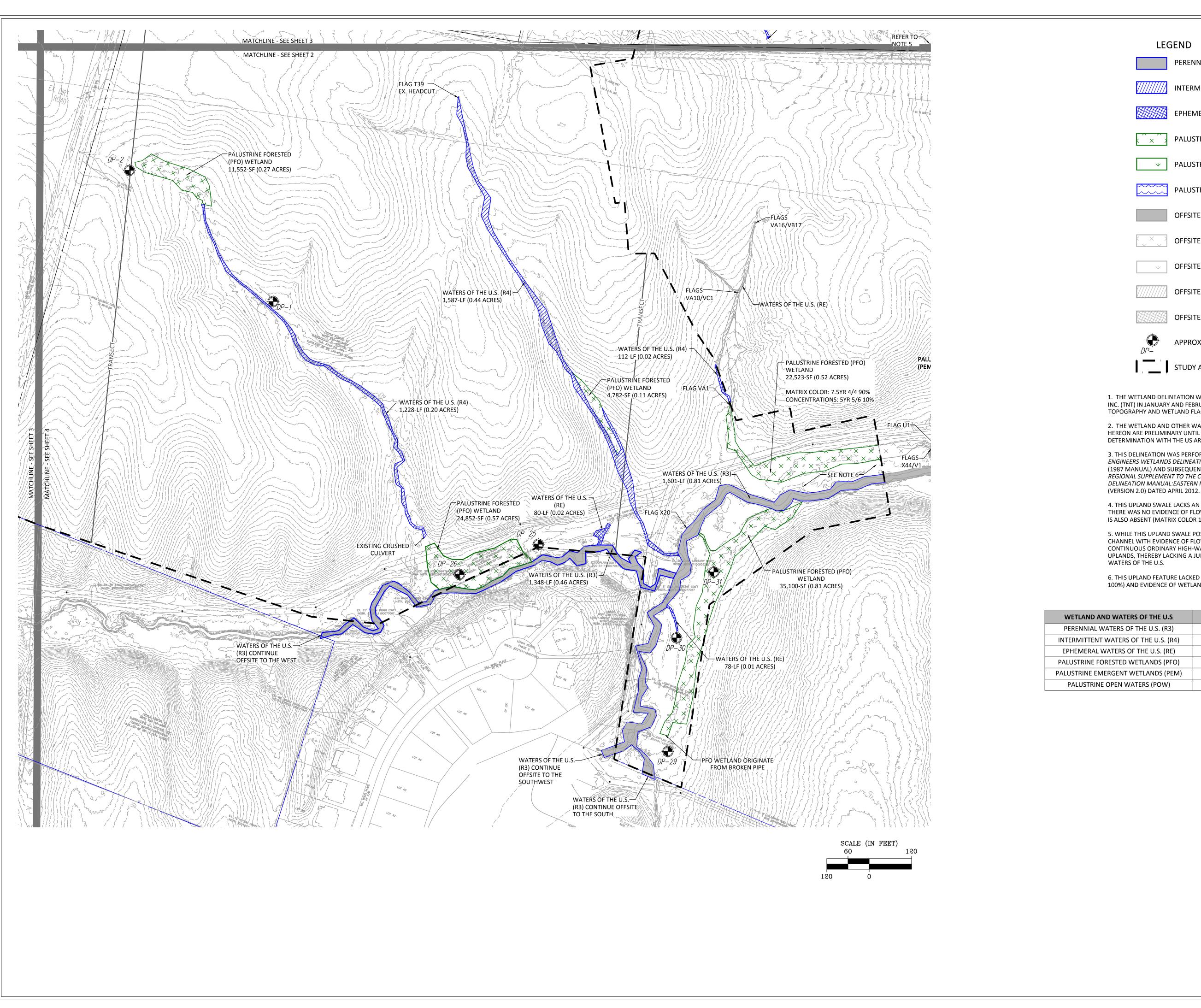
Avi M. Sareen, PWD, PWS, ISA-CA

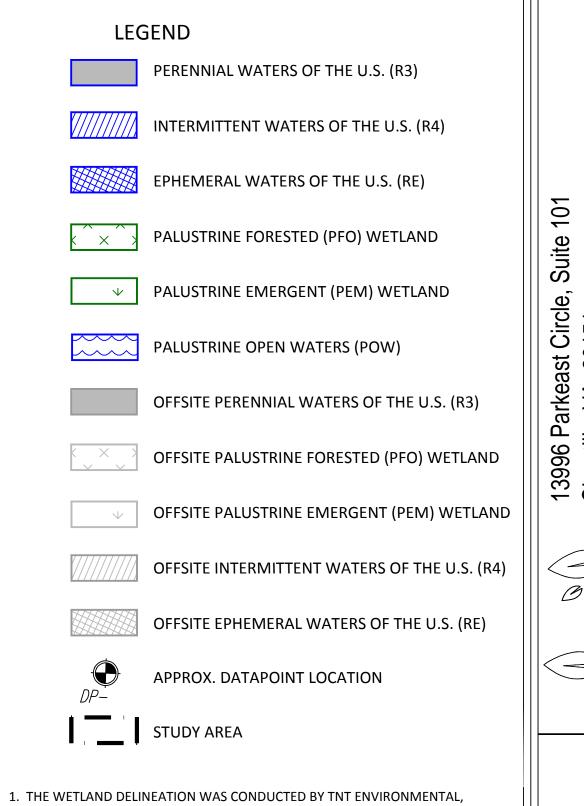
Principal/President

Avi@TNTenvironmentalinc.com









- INC. (TNT) IN JANUARY AND FEBRUARY 2019. EXISTING CONDITION, TOPOGRAPHY AND WETLAND FLAGS WERE SURVEYED BY URBAN, LTD, 2019.
- 2. THE WETLAND AND OTHER WATERS OF THE U.S. BOUNDARIES DEPICTED HEREON ARE PRELIMINARY UNTIL CONFIRMED DURING A JURISDICTIONAL DETERMINATION WITH THE US ARMY CORPS OF ENGINEERS (USACE).

3. THIS DELINEATION WAS PERFORMED PURSUANT TO THE CORPS OF ENGINEERS WETLANDS DELINEATION MANUAL, TECHNICAL REPORT Y-87-1 (1987 MANUAL) AND SUBSEQUENT GUIDANCE AND MODIFICATION BY THE REGIONAL SUPPLEMENT TO THE CORPS OF ENGINEERS WETLAND DELINEATION MANUAL:EASTERN MOUNTAINS AND PIEDMONT REGION (VERSION 2.0) DATED APRIL 2012.

4. THIS UPLAND SWALE LACKS AN ORDINARY HIGH-WATER MARK AND THERE WAS NO EVIDENCE OF FLOW DURING OUR FIELD WORK. HYDRIC SOIL IS ALSO ABSENT (MATRIX COLOR 10YR 4/4 100%).

5. WHILE THIS UPLAND SWALE POSSESSES SHORT SEGMENTS OF DEFINED CHANNEL WITH EVIDENCE OF FLOW (I.E., DRIFT LINES OF DEBRIS), IT LACKS A CONTINUOUS ORDINARY HIGH-WATER MARK AND TERMINATES IN UPLANDS, THEREBY LACKING A JURISDICTIONAL CONNECTION WITH

6. THIS UPLAND FEATURE LACKED HYDRIC SOILS (MATRIX COLOR 7.5YR 4/4 100%) AND EVIDENCE OF WETLAND HYDROLOGY.

WETLAND AND WATERS OF THE U.S.	TOTAL
PERENNIAL WATERS OF THE U.S. (R3)	12,272 LINEAR FEET (226,528 SF)
INTERMITTENT WATERS OF THE U.S. (R4)	11,479 LINEAR FEET (96,214 SF)
EPHEMERAL WATERS OF THE U.S. (RE)	2,573 LINEAR FEET (19,462 SF)
PALUSTRINE FORESTED WETLANDS (PFO)	161,469 SF (3.7 AC.)
PALUSTRINE EMERGENT WETLANDS (PEM)	87,239 SF (2.0 AC.)
PALUSTRINE OPEN WATERS (POW)	96,907 SF (1.60 AC.)

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MATCHLINE - SEE SHEET 1 FLAG PTD1 PALUSTRINE FORESTED (PFO) WETLAND 7,729-SF (0.18 ACRES)	128 FARCH 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0 0		EV. D		HARTLAND SOUTH LOUDOUN COUNTY
WATERS OF THE U.S.— ((RE) CONTINUE OFFSITE TO THE SOUTH	TRANSECT TO THE PROPERTY OF TH		SHEELT 3		SURVEYED WETLANDS & WATERS OF THE U.S. MAP COMMENTS
		SO'S CORY SECTION AND THE SAME TO SAME	MATCHLINE - SEE	SCALE (IN FEET) 60 120 120	SHEET 4 OF 4 SCALE: $1" = 120'$ PROJECT DATE: $4/19/19$ DRAFT: CHECK: SSS/TNW AMS FILE NUMBER: $1460-F$

NOTIFICATION OF ADMINISTRATIVE APPEAL OPTIONS AND PROCESS AND REQUEST FOR APPEAL

Applie	cant: Timber Ridge at Hartland LLC	File Number: 2019-00878	Date: 4 Jun 2019	
Attach	Attached is:			
	INITIAL PROFFERED PERMIT (Standard Perr	mit or Letter of permission)	A	
	PROFFERED PERMIT (Standard Permit or Lett	В		
	PERMIT DENIAL	С		
	APPROVED JURISDICTIONAL DETERMINA	D		
X	PRELIMINARY JURISDICTIONAL DETERM	Е		

SECTION I - The following identifies your rights and options regarding an administrative appeal of the above decision. Additional information may be found at http://usace.army.mil/inet/functions/cw/cecwo/reg or Corps regulations at 33 CFR Part 331.

- A: INITIAL PROFFERED PERMIT: You may accept or object to the permit.
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- OBJECT: If you object to the permit (Standard or LOP) because of certain terms and conditions therein, you may request that the permit be modified accordingly. You must complete Section II of this form and return the form to the district engineer. Your objections must be received by the district engineer within 60 days of the date of this notice, or you will forfeit your right to appeal the permit in the future. Upon receipt of your letter, the district engineer will evaluate your objections and may: (a) modify the permit to address all of your concerns, (b) modify the permit to address some of your objections, or (c) not modify the permit having determined that the permit should be issued as previously written. After evaluating your objections, the district engineer will send you a proffered permit for your reconsideration, as indicated in Section B below.
- B: PROFFERED PERMIT: You may accept or appeal the permit
- ACCEPT: If you received a Standard Permit, you may sign the permit document and return it to the district engineer for final
 authorization. If you received a Letter of Permission (LOP), you may accept the LOP and your work is authorized. Your
 signature on the Standard Permit or acceptance of the LOP means that you accept the permit in its entirety, and waive all rights
 to appeal the permit, including its terms and conditions, and approved jurisdictional determinations associated with the permit.
- APPEAL: If you choose to decline the proffered permit (Standard or LOP) because of certain terms and conditions therein, you may appeal the declined permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- C: PERMIT DENIAL: You may appeal the denial of a permit under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- D: APPROVED JURISDICTIONAL DETERMINATION: You may accept or appeal the approved JD or provide new information.
- ACCEPT: You do not need to notify the Corps to accept an approved JD. Failure to notify the Corps within 60 days of the date of this notice means that you accept the approved JD in its entirety, and waive all rights to appeal the approved JD.
- APPEAL: If you disagree with the approved JD, you may appeal the approved JD under the Corps of Engineers Administrative Appeal Process by completing Section II of this form and sending the form to the division engineer. This form must be received by the division engineer within 60 days of the date of this notice.
- E: PRELIMINARY JURISDICTIONAL DETERMINATION: You do not need to respond to the Corps regarding the preliminary JD. The Preliminary JD is not appealable. If you wish, you may request an approved JD (which may be appealed), by contacting the Corps district for further instruction. Also you may provide new information for further consideration by the Corps to reevaluate the JD.

SECTION II - REQUEST FOR APPEAL or OBJECTION	ONS TO AN INITIAL PRO	FFERED PERMIT
REASONS FOR APPEAL OR OBJECTIONS: (Describ		
initial proffered permit in clear concise statements. You may attac		
or objections are addressed in the administrative record.)		, ,
·		
ADDITIONAL INFORMATION: The appeal is limited to a review	w of the administrative record, the	Corps memorandum for the
record of the appeal conference or meeting, and any supplemental	information that the review officer	r has determined is needed to
clarify the administrative record. Neither the appellant nor the Con		
you may provide additional information to clarify the location of in	nformation that is already in the ac	lministrative record.
POINT OF CONTACT FOR QUESTIONS OR INFOR	MATION:	
If you have questions regarding this decision and/or the appeal	If you only have questions regard	ding the appeal process you may
process you may contact:	also contact:	
U.S. Army Corps of Engineers, Norfolk District	United States Army Corps of Engineers	
Northern Virginia Field Office (CENAO-WRR-N)	North Atlantic Division (CENAD-PD-O Attn: Mr. James Haggerty, Regulatory P	
Attn.: Mr. Ronald H. Stouffer, Jr.	301 General Lee Avenue	rogram Manager
18139 Triangle Plaza, Suite 213	Fort Hamilton Military Community	
Dumfries, VA 22026	Brooklyn, NY 11252	
	347-370-4663	
703-221-6967 or email ron.h.stouffer@usace.army.mil		
RIGHT OF ENTRY: Your signature below grants the right of entry		
consultants, to conduct investigations of the project site during the		a will be provided a 15-day
notice of any site investigation, and will have the opportunity to pa	· ·	
	Date:	Telephone number:
Signature of appellant or agent.		

PRELIMINARY JURISDICTIONAL DETERMINATION FORM

BACKGROUND INFORMATION:

- A. COMPLETION DATE FOR PRELIMINARY JURISDICTIONAL DETERMINATION (JD): June 4, 2019
- B. NAME AND ADDRESS OF PERSON REQUESTING PRELIMINARY JD:

Mr. Matthew D. Kroll Timber Ridge at Hartland LLC 44095 Pipeline Plaza, Suite 140 Ashburn, Virginia 20147

C. DISTRICT OFFICE: Norfolk District (CENAO-WRR) FILE NUMBER: NAO-2019-00878-rhs

FILE NAME: Hartland South

D. PROJECT LOCATION(S) AND BACKGROUND INFORMATION:

State: VIRGINIA County/parish/borough: Loudoun City: n/a

Center coordinates of site:

Latitude: 38.962588° N Longitude: -77.581774° W

Universal Transverse Mercator: n/a Name of nearest waterbody: Lenah Run

Identify (estimate) amount of waters in the review area:

Non-wetland waters: <u>+</u> 26,324 linear feet

Cowardin Class: R3, R4, R6

Stream Flow: n/a
Wetlands: <u>+</u> 7.3 acres

Cowardin Class: PFO, PEM, POW

Name of any water bodies on the site that have been identified as Section 10 waters: Tidal: n/a

Non-Tidal: n/a

E. REVIEW PERFORMED FOR SITE EVALUATION (CHECK ALL THAT APPLY):

☐Office (Desk) Determination Date: ☐Field Determination Date: May 9, 2019

- 1. The Corps of Engineers believes that there may be jurisdictional waters of the United States on the subject site, and the permit applicant or other affected party who requested this preliminary JD is hereby advised of his or her option to request and obtain an approved jurisdictional determination (JD) for that site. Nevertheless, the permit applicant or other person who requested this preliminary JD has declined to exercise the option to obtain an approved JD in this instance and at this time.
- 2. In any circumstance where a permit applicant obtains an individual permit, or a Nationwide General Permit (NWP) or other general permit verification requiring "pre-construction notification" (PCN), or requests verification for a non-reporting NWP or other general permit, and the permit applicant has not requested an approved JD for the activity, the permit applicant is hereby made aware of the following: (1) the permit applicant has elected to seek a permit authorization based on a preliminary JD, which does not make an official determination of jurisdictional waters; (2) that the applicant has the option to request an approved JD before accepting the terms and conditions of the permit authorization, and that basing a permit authorization on an approved JD could possibly result in less compensatory mitigation being required or different special conditions; (3) that the applicant has the right to request an individual permit rather than accepting the terms and conditions of the NWP or other general permit authorization; (4) that the applicant can accept a permit authorization and thereby agree to comply with all the terms and conditions of that permit, including whatever mitigation requirements the Corps has determined to be necessary; (5) that undertaking any activity in reliance upon the subject permit authorization without requesting an approved JD constitutes the applicant's acceptance of the use of the preliminary JD, but that either form of JD will be processed as soon as is practicable; (6) accepting a permit authorization (e.g., signing a proffered individual permit) or undertaking any activity in reliance on any form of Corps permit authorization based on a preliminary JD constitutes agreement that all wetlands and other water bodies on the site affected in any way by that activity are jurisdictional waters of the United States, and precludes any challenge to such jurisdiction in any administrative or judicial compliance or enforcement action, or in any administrative appeal or in any Federal court; and (7) whether the applicant elects to use either an approved JD or a preliminary JD, that JD will be processed as soon as is practicable. Further, an approved JD, a proffered individual permit (and all terms and conditions contained therein), or individual permit denial can be administratively appealed pursuant to 33 C.F.R. Part 331, and that in any administrative appeal, jurisdictional issues can be raised (see 33 C.F.R. 331.5(a)(2)). If, during that administrative appeal, it becomes necessary to make an official determination whether CWA jurisdiction exists over a site, or to provide an

official delineation of jurisdictional waters on the site, the Corps will provide an approved JD to accomplish that result, as soon as is practicable.

3. This preliminary JD finds that there "may be" waters of the United States on the subject project site, and identifies all aquatic features on the site that could be affected by the proposed activity, based on the following information:

SUPPORTING DATA:

Data reviewed for preliminary JD (check all that apply) - checked items should be included in case file and, where checked and requested, appropriately reference sources below. ⊠Maps, plans, plots or plat submitted by or on behalf of the applicant/consultant: ☑Data sheets prepared/submitted by or on behalf of the applicant/consultant. Office concurs with data sheets/delineation report. Office does not concur with data sheets/delineation report. ☐Data sheets prepared by the Corps: Corps navigable waters' study: ☐U.S. Geological Survey Hydrologic Atlas: ☐USGS NHD data. ☐USGS 8 and 12 digit HUC maps. SUSDA Natural Resources Conservation Service Soil Survey. Soil Survey. ■ Citation: National wetlands inventory map(s). Cite name: State/Local wetland inventory map(s): ☐FEMA/FIRM maps: ☐100-year Floodplain Elevation: (National Geodetic Vertical Datum of 1929) ☐ Photographs: ☐ Aerial (Name & Date): Or Other (Name & Date): ☐Previous determination(s): File no. and date of response letter: Other information (please specify): IMPORTANT NOTE: The information recorded on this form has not necessarily been verified by the Corps and should not be relied upon for later jurisdictional determinations. ussihl. Signature Signature of person requesting Regulatory Project Manager Preliminary JD (REQUIRED) (REQUIRED, unless obtaining the signature is impracticable)

Date

June 4, 2019

Date



DEPARTMENT OF THE ARMY

US ARMY CORPS OF ENGINEERS
NORFOLK DISTRICT
FORT NORFOLK
803 FRONT STREET
NORFOLK VA 23510-1096

June 4, 2019

Northern Virginia Regulatory Section NAO-2019-00878 (Lenah Run)

Mr. Matthew D. Kroll, PE Timber Ridge at Hartland LLC 44095 Pipeline Plaza, Suite 140 Ashburn, Virginia 20147

Dear Mr. Kroll:

This letter is in reference to a request, on your behalf from TNT Environmental Inc., for a delineation confirmation and jurisdictional determination for waters of the U.S. (including wetlands) for an approximately 330-acre study area on portions of seven (7) parcels (PINs: 244368224, 245265476, 285304849, 284287621, 285487020, 285395280, and 284103552) west of Fleetwood Road, adjacent to Lenah Farm Lane, in Loudoun County, Virginia. The project is called Hartland South.

The enclosed exhibit in four (4) sheets entitled "Surveyed Wetlands & Waters of the U.S. Map, Hartland South, Loudoun County" dated April 19, 2019 and May 14, 2019, provides the locations of waters and/or wetlands on the properties listed above. The basis for this delineation includes application of the Corps' 1987 Wetland Delineation Manual and the Regional Supplement to the Corps of Engineers Wetland Delineation Manual: Eastern Mountains and Piedmont and the positive indicators of wetland hydrology, hydric soils, and hydrophytic vegetation and the presence of an ordinary high water mark.

Discharges of dredged or fill material, including those associated with mechanized land clearing, into waters and/or wetlands on this site may require a Department of the Army permit and authorization by state and local authorities including a Virginia Water Protection Permit from the Virginia Department of Environmental Quality (DEQ), a permit from the Virginia Marine Resources Commission (VMRC) and/or a permit from your local wetlands board. This letter is a confirmation of the Corps preliminary jurisdiction for the waters and/or wetlands on the subject property and does not authorize any work in these areas. Please obtain all required permits before starting work in the delineated waters/wetland areas.

This is a preliminary jurisdictional determination and is therefore not a legally binding determination regarding whether Corps jurisdiction applies to the waters or wetlands in question. Accordingly, you may either consent to jurisdiction as set out in this preliminary jurisdictional determination and the attachments hereto if you agree with the determination, or you may request and obtain an approved jurisdictional determination.

This preliminary jurisdictional determination and associated wetland delineation map may be submitted with a permit application.

Enclosed is a copy of the "Preliminary Jurisdictional Determination Form". Please review the document, sign, and return a copy within 30 days of receipt and keep one for your records. This delineation of waters and/or wetlands is valid for a period of five years from the date of this letter unless new information warrants revision prior to the expiration date.

If you have any questions, please contact me at ron.h.stouffer@usace.army.mil or 757-201-7124.

Sincerely,

Ronald H. Stouffer, Jr. Environmental Scientist

Northern Virginia Regulatory Section

LIBSIN

Enclosures

cc: TNT Environmental Inc.

REPLY TO ATTENTION OF

DEPARTMENT OF THE ARMY NORFOLK DISTRICT CORPS OF ENGINEERS FORT NORFOLK 803 FRONT STREET NORFOLK VIRGINIA 23510-1094

JUNE 4, 2019

Supplemental Preapplication Information

Proj	ect Nu	mber	: N	ΑO	-2019	-008	78
	4.		_		_		_

Applicant: Timber Ridge at Hartland LLC Project Location: Loudoun County

1.	A search of the Virginia Department of Historic Resources data revealed the following:
	☐ No known historic properties are located on the property.
	Known architectural resources are located on the property:
	Known archaeological resources are located on the property:
	Known historic resources are located in the vicinity of the property
N <i>O</i>	 The information above is for planning purposes only. In many cases, the property has not been surveyed for historic resources. Undiscovered historic resources may be located on the subject property or adjacent properties and this supplemental information is not intended to satisfy the Corps' requirements under Section 106 of the National Historic Preservation Act (NHPA). Prospective permittees should be aware that Section 110k of the NHPA (16 U.S.C. 470h-2(k)) prevents the Corps from granting a permit or other assistance to an applicant who, with intent to avoid the requirements of Section 106 of the NHPA, has intentionally significantly adversely affected a historic property to which the permit would relate, or having legal power to prevent it, allowed such significant adverse effect to occur, unless the Corps, after consultation with the Advisory Council on Historic Preservation (ACHP), determines that circumstances justify granting such assistance despite the adverse effect created or permitted by the applicant.
2.	A search of the data supplied by the U.S. Fish & Wildlife Service, the Virginia Department of Conservation and Recreation and the Virginia Department of Game and Inland Fisheries revealed the following:
	No known populations of threatened or endangered species are located on or within the vicinity of the subject property.
	□ The following federally-listed species may occur within the vicinity of the subject property: ■ Northern Long-eared Bat (Myotis septentrionalis)
	☐ The following state-listed (or other) species may occur within the vicinity of the subject property
	☐ Known listed species may occur in the vicinity of the subject property:
	ease note this information is being provided to you based on the preliminary data you submitted to the Corps relative project boundaries and project plans. Consequently, these findings and recommendations are subject to change if the project scope changes or new information becomes available and the accuracy of the data.